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IFW \$2633

PTO/SB/17 (07/06)

Approved for use through 01/31/2007. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>FEE TRANSMITTAL</b> For FY 2005  <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>Complete if Known</b>		
		Application Number	09/749,395-Conf. #5525	
		Filing Date	December 28, 2000	
		First Named Inventor	Adel ASSEH	
		Examiner Name	A. Bello	
TOTAL AMOUNT OF PAYMENT (\$)		180.00	Art Unit	2633
			Attorney Docket No.	0104-0317P

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 02-2448 Deposit Account Name: Birch, Stewart, Kolasch & Birch, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

  

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
_____ - 20 = _____	x _____	= _____		Fee (\$)
HP = highest number of total claims paid for, if greater than 20.				Fee Paid (\$)

  

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 3 = _____	x _____	= _____	
HP = highest number of independent claims paid for, if greater than 3.			

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement 180.00

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	43,368
Name (Print/Type)	Paul C. Lewis	Telephone	(703) 205-8000
		Date	September 8, 2006



Docket No.: 0104-0317P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Adel ASSEH et al.

Application No.: 09/749,395

Confirmation No.: 5525

Filed: December 28, 2000

Art Unit: 2633

For: CHANNEL BALANCING OF A  
WAVELENGTH DIVISION MULTIPLEXED  
OPTICAL SIGNAL

Examiner: A. Bello

**LETTER**

**MS Issue Fee**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Notice of Allowance was received in the present application on July 18, 2006. During a final review of the present application, it was discovered that U.S. Patent No. 5,093,876 and WO 99/00924, copies of which are attached hereto were not submitted to the U.S. Patent Office in the form of an Information Disclosure Statement for consideration by the Examiner. Applicants respectfully submit that these references were cited in a corresponding foreign application to the present application. These references have been reviewed and it is believed that these references are not material to the patentability of the present application. If the Examiner believes that these references are material to the patentability, it is respectfully requested for the Examiner to consider these references. Otherwise, it is requested that the Examiner simply place these references in the application file.

It is also noted that an Information Disclosures Statement was submitted concurrently with the filing of the present Letter. It is requested that the Examiner initial the PTO/SB/08 Form attached thereto to indicate consideration of the references listed thereon.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: September 8, 2006

Respectfully submitted,

By 

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